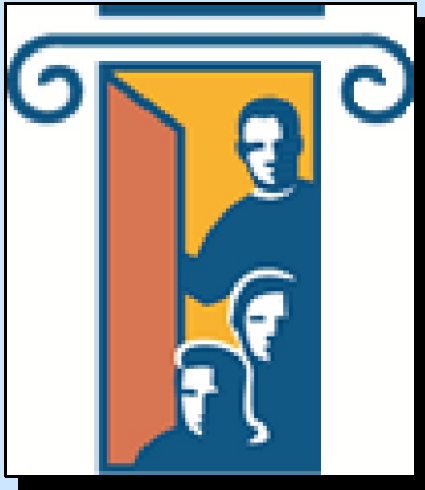


SERVING THE PUBLIC, THE BENCH, AND THE BAR IN 2005



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI



Thomas F. Eagleton United States Courthouse
St. Louis, Missouri

Final Concept Rendering of
New Cape Girardeau U.S.
Courthouse

Architect: Fentress
Bradburn Architects, Ltd.



Hannibal Federal Building and Courthouse

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MESSAGE FROM THE CHIEF JUDGE THE HONORABLE CAROL E. JACKSON

I am pleased that you are taking a few minutes to review this 2005 annual report. It is a healthy exercise for public institutions such as the district court to look back at recent past performance to assess openly whether and to what extent efforts have contributed value to the mission of the organization. Taking stock of performance leads to accountability, both for things that went well and for things that did not. We produce this report both to inform the public about our operations and performance, and to use it as a tool for identifying where the court needs to focus its efforts in order to achieve better results in the coming years.

As we undertake this formal retrospective for the first time in the United States District Court for the Eastern District of Missouri by means of this 2005 annual report, I am reminded that our duty to provide quality services to the public and the bar is both complex and weighty. But I am also mindful that the work of the court is performed by an exceptionally talented group of judges and support staff whose dedication is unmatched. The report that follows describes many examples of solid achievement, innovative programs and growing workload in 2005. It also reflects a court environment that is fast paced, high tech, service oriented and vigilant about our paramount responsibilities to respect people and to deliver justice. I commend all those individuals whose extraordinary work on behalf of the court in 2005 is reflected, directly or indirectly, in this inaugural annual report.

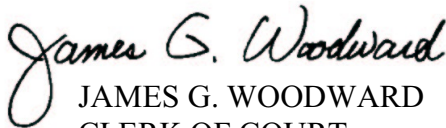


CAROL E. JACKSON
CHIEF JUDGE

MESSAGE FROM THE CLERK OF COURT JAMES G. WOODWARD

This report represents the district court's first endeavor to describe and document our activities and accomplishment for a complete calendar year. I hope readers find the format sensible and consider this content informative and enlightening. The district court is committed in the future to producing a report of this kind at the close of each year, but the presentation format can and will be adjusted to meet the needs of the public, the bench and the bar for whom it is intended. Readers' comments and suggestions are encouraged as they will help us make this a better product in future years.

Our responsibilities in the district court cover a range of services and activities, all of which are intended, in one way or another, to aid in the delivery of just and prompt resolutions of civil and criminal disputes. So much of our work is performed out of the public eye that it tends to be overlooked even by those who are otherwise familiar with the district court. This report, therefore, represents an effort to provide a glimpse of the full range of district court functions, including those that are well known to attorneys and the public, as well as those that are more obscure but nevertheless essential to the efficient operation of the court. From overseeing the completion of a new fifty million dollar courthouse in Cape Girardeau to developing a sound plan for continuity of court operations in the event of a catastrophe, judges and court staff have worked tirelessly in 2005 to support the cause of justice and to keep this court at the cutting edge. There clearly are accomplishments here to be proud of, but improvement is the perennial goal.


JAMES G. WOODWARD
CLERK OF COURT

JUDGES OF THE DISTRICT COURT

UNITED STATES DISTRICT JUDGES

THE HONORABLE CAROL E. JACKSON - CHIEF JUDGE

THE HONORABLE JEAN C. HAMILTON

THE HONORABLE DONALD J. STOHR

THE HONORABLE CHARLES A. SHAW

THE HONORABLE CATHERINE D. PERRY

THE HONORABLE E. RICHARD WEBBER

THE HONORABLE RODNEY W. SIPPEL

THE HONORABLE HENRY E. AUTREY

SENIOR UNITED STATES DISTRICT JUDGES

THE HONORABLE JOHN F. NANGLE

THE HONORABLE EDWARD L. FILIPPINE

THE HONORABLE STEPHEN N. LIMBAUGH

UNITED STATES MAGISTRATE JUDGES

THE HONORABLE TERRY I. ADELMAN - CHIEF MAGISTRATE JUDGE

THE HONORABLE DAVID D. NOCE

THE HONORABLE FREDERICK R. BUCKLES

THE HONORABLE LEWIS M. BLANTON

THE HONORABLE MARY ANN L. MEDLER

THE HONORABLE THOMAS C. MUMMERT

THE HONORABLE AUDREY G. FLEISSIG

SECTION ONE: SERVING THE PUBLIC

COMMUNITY OUTREACH

The district court's community outreach efforts began in 2001 to promote and enhance public awareness and knowledge of how the federal courts operate and function in the administration of justice. The District Court hosts two annual outreach events in the Spring and Fall, coordinates courthouse tours, and provides educational events for local schools and universities.

LAW DAY PROGRAM

In May 2005, the district court hosted a Law Day Program for high school students from Villa Duchesne and Christian Brothers College High School which focused on careers in the federal courts. This event was held during Juror Appreciation Week.



Lisa Carpenter, law clerk for Judge Jackson.

Activities for the program included presentations from Court personnel about different career paths in the Federal Court System, observing a criminal trial in progress in a judge's courtroom, a tour of the courthouse that

included a visit to the Eighth Circuit Court of Appeals En Banc courtroom, and a visit with a U. S. District Judge.



Jim Woodward, Clerk of Court, welcoming students.

WASHINGTON UNIVERSITY FIRST YEAR LAW STUDENTS

Past outreach events created and sponsored by the district court include programs for the public and schools on the federal jury system, and moot court debates and proceedings before district and magistrate judges. The district court also provides yearly educational events for law students from local universities. In 2005, over 200 first year law students from Washington University visited with district and magistrate judges to discuss legal memoranda drafting and practice tips, professionalism and civility among lawyers, and the day to day workings of the court.



Cleveland Jr. NROTC student debating the issues.

OPEN DOORS TO JUSTICE PROGRAM

In the Fall of 2005, the district court hosted an outreach event which focused on constitutional concepts in observance of



Villa Duchesne student presenting her arguments.

American Constitution Day. Students from two St. Louis area high schools (Villa Duchesne and Cleveland Junior Naval ROTC Academy) debated contemporary issues before district judges based on principles of the American Constitution. The students chose the issues for debate: the “right to die” issue and the gay marriage issue.

NATURALIZATION PROGRAM

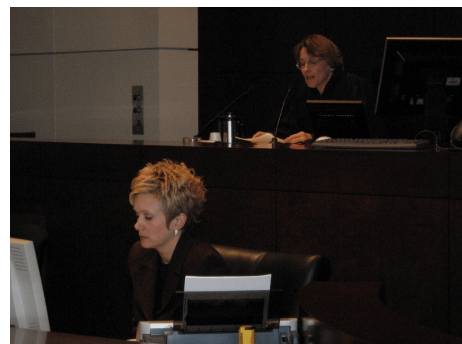


New citizens awaiting ceremony.

Every two weeks throughout the year, a naturalization ceremony is conducted on Friday morning in the Thomas F. Eagleton Federal Courthouse. The District Court provides support to the Immigration and Naturalization Service to conduct a meaningful ceremony for new citizens of the United States.

One of the court’s district judges or magistrate judges presides over each ceremony, and deputies of the management support unit provide invaluable assistance in the conduct of the ceremony, to include the administration of the oath of citizenship.

Several members of the courthouse family and several private attorneys participate as guest speakers for these ceremonies, addressing the candidates for citizenship on the responsibilities and benefits of American citizenship. From the courthouse family, speakers include Leonora Long, Bankruptcy Trustee; Michael Gans, Clerk of the U.S. Court of Appeals for the Eighth Circuit, Jim Woodward, Clerk of the U.S. District Court, and Dana McWay, Clerk of the U.S. Bankruptcy Court for the Eastern District of Missouri. The private attorneys who have served as guest speakers are: Ethan Corlija, Peter Dunne, Gonzalo Fernandez, Peter Huber, Lenny Kagan, Nancy Kistler, John Medler, Jr., Stephen Niemira, Anthony Ramirez, Rudolfo Rivera, John



Judge Hamilton and Deputy Clerk Jeanne Pattrin.

Stobbs, and others. Raymond Brodzinski of the American Legion also participates in each ceremony. The League of Women Voters is also available after each ceremony to assist new citizens with voter registration.

One of our recently naturalized citizens is a member of the federal court family. Sona Patel is serving as a law clerk for U.S. Magistrate Judge Donald Wilkerson, Southern District of Illinois. Prior to his appointment as a magistrate judge, Judge



Sona Patel, law clerk for Judge Wilkerson.

Wilkerson served as an Assistant United States Attorney in the Eastern District of Missouri.

Ms. Patel was born in England and moved with her family to the United States on August 17, 1986. She attended Centenary College in Shreveport, Louisiana, graduating in 1997, and she earned her Juris Doctor degree in 2001 at Emory University Law School in

Atlanta, Georgia. Before she joined Judge Wilkerson's staff, she served as a law clerk for U.S. Magistrate Judge Andrew Rodovich, Northern District of Indiana.



Ethan Corlija, St. Louis attorney, welcoming new citizens.

During calendar year 2005, there were 18 naturalization ceremonies hosted by the court. Ten judges participated in these ceremonies. There were 1,305 new citizens from 94 countries (including Bosnia-Herzegovina, China, India, Mexico, the Philippines, South Korea, Ukraine, and Vietnam) who took the oath of citizenship during these ceremonies.

JUROR UTILIZATION

Table 1 below displays statistics on juror utilization during calendar year 2005.

Table 1: Juror Utilization Statistics, Calendar Year 2005	
No. of people who were sent qualification questionnaires	20,500
No. of jurors summoned for jury duty	7,773
No. of jurors who appeared for jury duty	3,069
No. of jurors who participated in voir dire	2,673
No. of jurors who were selected for trial	642

A second mailing of juror qualification questionnaires was sent to 3,427 prospective jurors, and 1,809 of those were returned. A third mailing of the questionnaires was sent to 866 prospective jurors, and 492 of those were returned.

CAPE GIRARDEAU COURTHOUSE PROJECT

The groundbreaking ceremony for the new federal courthouse in Cape Girardeau, Missouri, was held in November 2003, and full-scale construction work began in February 2004. The courthouse will be a 154,000 square foot facility, at a cost of approximately \$50 million, that will include three courtrooms, 24 indoor parking spaces, and an outdoor parking lot with 120 spaces. The building will house all employees of the U.S. District Court's divisional office, the U.S. Marshal's Service, the U.S. Attorney's office, and the General Services Administration.



Architect: Fentress Bradburn Architects, Ltd.

The exterior work on the facility was completed in late December 2005, and interior work was scheduled to begin in January 2006. The courthouse is scheduled to open in late 2006.

THE JUDICIAL LEARNING CENTER

The Judicial Learning Center, when completed in Spring of 2006, will be a unique space featured in the Thomas F. Eagleton United States Courthouse in St. Louis. The Center will be devoted to permanent exhibits, changing displays and interactive demonstrations about the role of federal courts and the operation of the justice system in the 8th Circuit.

With its prominent main floor location, the Center will be the ideal place in which to begin organized tours, as well as to provide an educational experience for those interested in the work of the United States judicial system. The Center is a jointly sponsored program supported by the courts of the 8th Circuit and The Judicial Learning Center, a non-profit corporation whose board members represent the legal community in St. Louis.

SECTION TWO: SERVING THE BENCH

MAGISTRATE JUDGE ENHANCED UTILIZATION

CIVIL JUSTICE REFORM ACT (CJRA) ENHANCEMENTS

Commencing January 1, 1994, the magistrate judges in this court were added to the random assignment wheel for civil cases, in an effort to spread the growing civil caseload more effectively among a larger group of judges, thus reducing the average pending caseload for the district judges, which had reached 450 cases in 1993.¹ This enhancement of magistrate judge responsibilities was a key recommendation of the court's advisory group on implementing the Civil Justice Reform Act (CJRA) of 1990, which was an effort by Congress to encourage the federal district courts to pursue reductions in time to disposition and costs of civil litigation.

Pursuant to Federal Rule of Civil Procedure 73(b), parties to a civil case initially assigned to a magistrate judge must consent to the dispositive authority of that judge. Forms are provided to all parties when the case is filed to record either their consent or to request that the case be transferred to a district judge. These forms are not disclosed to the magistrate judge, and when all parties have filed consent, "full consent" is docketed in the case. If one or more of the parties requests a transfer to a district judge, the case is randomly reassigned to one of the district judges.

Cases not included in the initial random assignment to magistrate judges include bankruptcy appeals (to preclude a non-Article III judge from reviewing the judgment of another non-Article III judge) and prisoner motions to vacate sentence (to preclude a non-Article III judge from reviewing the judgment of an Article III judge).

FULL CONSENT TO MAGISTRATE JUDGES IN CIVIL CASES

A profile of civil cases assigned to magistrate judges in calendar year 2003 (that was published in 2005 using the most complete data available) showed that a high percentage of consents were obtained. This profile examined every case for that year that was initially assigned to a magistrate judge. For the cases in which the parties exercised either the consent option or the district judge option, 63 percent of those cases resulted in full consent for the magistrate judge. The average time to obtain full consent was 71 days, with a median time of 55 days. The average time for filing of the district judge option was 50 days, with a median time of 36 days. Table 2 on page 6 provides details on how the consent process unfolded for all of the civil cases assigned to magistrate judges in 2003.

¹An empirical study of this new civil assignment system was conducted in 1996-1997 (43 St. Louis U. L.J. 543 (1999), *Expanded Utilization of Federal Magistrate Judges: Lessons from the Eastern District of Missouri*).

Table 2: Calendar Year 2003 Cases Assigned to Magistrate Judges			
	Number	Subtotal Percent	Overall Percent
Full Consent	360	63.0	44.6
District Judge Option	211	37.0	26.1
<i>Subtotal: (Parties exercised consent or reassignment option)</i>	571	100.0	
Other	236		29.2
<i>Dismissed by District Judge without transfer order</i>	105		13.0
<i>Termed by Magistrate Judge prior to full consent</i>	53		6.6
<i>Transferred to District Judge for rulings on dispositive motions</i>	34		4.2
<i>Transferred to District Judge via Magistrate Judge Order - full consent not timely obtained</i>	31		3.8
<i>Transferred to District Judge after Magistrate Judge recusal</i>	11		1.4
<i>Termed in Eastern Division; reopened in Northern Division</i>	1		0.1
<i>Transferred by MDL Panel to another district</i>	1		0.1
<i>Total: (Full Consent, District Judge Option, Other)</i>	807		100.0

ALTERNATIVE DISPUTE RESOLUTION (ADR)

The ADR program in the Eastern District of Missouri began in October 1994 to achieve three goals:

- to help reduce costs of civil litigation;
- to speed the disposition of cases not requiring a trial; and
- to enhance parties' satisfaction by offering them more control over the resolution of their dispute.

ADR ADVISORY COMMITTEE

This committee was formed in June 2000. Chaired by Judge Charles Shaw, it consists of district and magistrate judges, law professors, and court certified neutrals, and recommends enhancements to the court's current ADR practices and procedures. The ADR Advisory Committee recently revised the ADR local rules, conducted an ADR satisfaction survey, collected periodic assessments of ADR settlement rates and outcomes of cases not settled at the ADR conference, and sponsored an ADR neutral seminar for the court's two-hundred certified neutrals.

CERTIFICATION OF MEDIATORS

Neutrals on the Court's certified panel have the following qualifications:

- Admission to the practice of law for at least 5 years.
- Experience in communication and negotiation techniques.
- Knowledge about civil litigation in federal and state court.
- Sixteen hours of training by the court or other training organization.

STATISTICS ON ADR-REFERRED CASES AND MEDIATORS

- Referrals: 532 in 2005, 541 in 2004.
- Settlement rate: 58 percent in 2005, 52 percent in 2004 (among ADR-referred cases in which a compliance report was filed).
- Fifteen neutrals certified during 2005, for total of 212 as of December 31, 2005.
- Three hundred thirty-six mediations conducted in 2005, usually away from courthouse.
- Four mediations (monthly average) conducted in courthouse ADR suite.
- New courthouse in Cape Girardeau will also have mediation conference rooms.

RECENT COURT RESEARCH ON RESULTS OF MEDIATION

At the request of the ADR Advisory Committee, the data were collected and analyzed in the fall of 2005 for settled and non-settled mediation cases in which the mediation conference was held during calendar year 2003. That information was organized with the corresponding data for calendar years 2001 and 2002. As Table 3 below shows, both the settlement rate and the number of mediations per year have remained stable during this period.

Table 3: Mediation Outcomes						
	2001		2002		2003	
	Settled	Not Settled	Settled	Not Settled	Settled	Not Settled
Percentages	56.9	43.1	54.7	45.3	54.0	46.0
Cases	190	144	205	170	197	168
Total Mediations	334		375		365	

While the settlement rate remained stable during this three-year period, there was an increase in the proportion of mediation cases that reached settlement at the conference that required more than 18 months to terminate (as shown in Table 4 on the next page): 13.2 percent in 2001, 11.3 percent in 2002, and 18.3 percent in 2003. The proportion of non-settled cases that required more than 18 months to terminate also increased over the three years: 44.5 percent in 2001, 46.1 percent in 2002, and 51.8 percent in 2003.

Table 4: Time from Filing to Disposition: Percentage Settled vs. Not Settled (at Mediation)						
	2001		2002		2003	
Time from Filing to Disposition	Percent Settled	Percent Not Settled	Percent Settled	Percent Not Settled	Percent Settled	Percent Not Settled
Less than 12 months	51.6	13.9	53.7	9.0	48.7	8.3
12-18 months	35.3	41.7	35.0	44.9	33.0	39.9
18-24 months	9.5	27.8	7.4	34.7	13.7	29.8
Over 24 months	3.7	16.7	3.9	11.4	4.6	22.0

Note: Some percentages do not add to 100.0 because of rounding.

SEMINAR FOR CERTIFIED NEUTRALS - DECEMBER 2, 2005

- *Federal ADR Fundamentals for Neutrals: Improving on a Decade of Success*
- Hosted by the School of Law at Washington University in St. Louis.
- More than 140 neutrals attended.
- Session 1: Court's expectations of neutrals serving the ADR program.
- Session 2: Ethical considerations.
- Session 3: Effective service and practical considerations.
- Session 4: Roundtable discussion with judges from the court.
- Judges of the court serving on panels: Judge Jackson, Judge Stohr, Judge Shaw, Judge Perry, Judge Webber, Judge Noce, Judge Mummert, and Judge Fleissig.
- Others serving on panels: Judge Grimm, James Woodward, Professor Karen Tokarz, Professor Susan FitzGibbon, Eugene Buckley, Jerome Diekemper, Leonard Frankel, Michael Geigerman, James Reeves, and Mary Schultz.



All sessions held in the WU Moot Courtroom.

CONTINUITY OF OPERATIONS PLAN (COOP)

The Eastern District of Missouri has adopted a Continuity of Operations Plan to fulfill its ethical responsibility for the safety of its employees and the legal obligation to the people of the United States to be able to continue to operate in a prudent and efficient manner even in the circumstance of an impending or existing threat.

The COOP provides policy, responsibilities, procedures, and guidance for ensuring the continuation of the Eastern District of Missouri's essential functions when the use of its courthouse facilities in St. Louis, Cape Girardeau, and/or Hannibal is threatened or diminished.

A tabletop exercise of the court's COOP was conducted on February 17, 2005, to train court personnel in COOP procedures and to validate the responsibilities and procedures in the plan. Participants considered an emergency scenario and discussed the decisions, actions, and processes to be implemented to sustain the court's essential functions. The exercise resulted in the development of corrections and improvements to the plan.

ENHANCING USE OF COURTROOM TECHNOLOGY

The following enhancements were implemented by the Information Services Department in 2005:

- Upgraded six courtroom teleconferencing units.
- Installed combination DVD/VHS players in the evidence presentation carts.
- Upgraded the sound system in Judge Stohr's and Judge Webber's courtrooms.
- Enhanced the evidence printing capability in the courtrooms.
- Provided an evidence presentation cart for the Cape courtroom.
- Telephone Interpreting Program (TIP): TIP events increased from 120 in 2004 to 143 in 2005, with an estimated savings in interpreter fees of \$43,082.00.

CIVIL JUSTICE REFORM ACT OF 1990 (CJRA) REPORTS

The CJRA Report is submitted to the Administrative Office of U.S. Courts twice yearly (as of March 31 and as of September 30) with data in the following categories:

- Reportable motions (motions pending six months or longer).
- Bench trials (case pending more than six months after the last day of trial).
- Bankruptcy appeals (pending more than six months after the filing date).
- Social Security appeals (pending more than 10 months after the answer was filed).
- Three-year old civil cases (pending more than three years after date of filing).

The March 31, 2005 report showed 10 reportable motions and the September 30, 2005 report showed 25 reportable motions. There were no bench trials, bankruptcy appeals, or social security appeals reportable on either report. The March 31 report showed 16 three year-old civil cases and the September 30 report showed only 12.

SECTION THREE: SERVING THE BAR

CRIMINAL JUSTICE ACT (CJA) ATTORNEY APPOINTMENTS

Tables 5 through 8 below provide a profile of attorney appointments/assignments in criminal cases over the past three calendar years (2003 - 2005) under the Criminal Justice Act, via the Federal Public Defender's Office, and via counsel retained by defendants.

Table 5: 2003, 2004, and 2005 Summary Totals											
CJA			FPD			RET			Total		
2003	2004	2005	2003	2004	2005	2003	2004	2005	2003	2004	2005
265	370	310	574	739	760	563	580	410	1402	1689	1480

LEGEND: CJA = Criminal Justice Act FPD = Federal Public Defender RET = Retained

Table 6: CJA by Number of Appointments per Attorney								
1-3			4-9			10 or more		
2003	2004	2005	2003	2004	2005	2003	2004	2005
60	71	54	8	16	15	8	10	9

Table 7: CJA Lead Panel vs. Non-Lead Panel Totals					
2003		2004		2005	
Lead	Non-Lead	Lead	Non-Lead	Lead	Non-Lead
166	99	212	158	177	133

Table 8: CJA vs. FPD Appointments					
2003		2004		2005	
FPD	CJA	FPD	CJA	FPD	CJA
574	265	739	370	760	310

Total attorney appointments (CJA and FPD) decreased 3.5 percent in 2005 when compared to 2004 (1070 appointments in 2005; 1109 in 2004). In 2005, 29 percent of the appointments were CJA (310) and 71 percent were FPD (760). In 2004, 33.4 percent of the appointments were CJA (370) and 66.6 percent were FPD (739). There was a 16.2 percent

decrease in the number of CJA appointments in 2005 (310) compared to 2004 (370). FPD appointments increased 2.8 percent in 2005 (760) compared to 2004 (739). Retained counsel decreased 29.3 percent in 2005 (410) compared to 2004 (580).

FEDERAL PRACTICE FUNDAMENTALS: SEPTEMBER 22, 2005

- Seminar for attorneys who had been members of the court's bar for two years or less.
- An overview of fundamentals of practicing in federal district court.
- Session 1: Profile of the Eastern District of Missouri that included statistical data on both civil and criminal cases.
- Session 2: Federal trial procedures.
- Session 3: Panel on ethical advocacy in the federal district court, followed with a session on alternative dispute resolution.
- Sessions 4 - 7: A demonstration of courtroom technology, an overview of electronic case filing in the district court, and an orientation on the court's website resources.

CASE MANAGEMENT/ELECTRONIC CASE FILING (CM/ECF)

Training and Support

- CM/ECF training classes for attorneys and support staffs conducted monthly.
- Average monthly attendance: Eight trainees per class.
- Computer-based training, Administrative Procedures Manual, criminal and civil events lists, and Local Rules maintained on court's website.
- Help desk support available during courthouse hours to both external and internal users.
- External users received assistance with accessing the CM/ECF system, filing pleadings correctly, obtaining a replacement password, and editing personal information.
- Internal user issues ranged from network login problems to specific software challenges.

Participation

- **Attorney Registration:** As of December 31, 2005, 5,634 attorneys were registered for electronic filing. During calendar year 2005, 1,082 attorney registrations were processed.
- **Attorney Docketing:** During calendar year 2005, attorneys recorded 53,414 logged transactions in CM/ECF.
- **In-house Docketing:** During calendar year 2005, court personnel recorded 204,032 logged transactions in CM/ECF.

COURT STATISTICS

Table 9 on the next page provides a three-year profile of new case filings in the Eastern District of Missouri. This profile does not include reopened cases in civil or criminal filings. The criminal case filings include probation/supervised release transfers, and the defendants are not included in the totals.

Table 9: EASTERN DISTRICT OF MISSOURI: NEW CASE FILINGS
2003 through 2005 {Jan. 1 - Dec. 31}

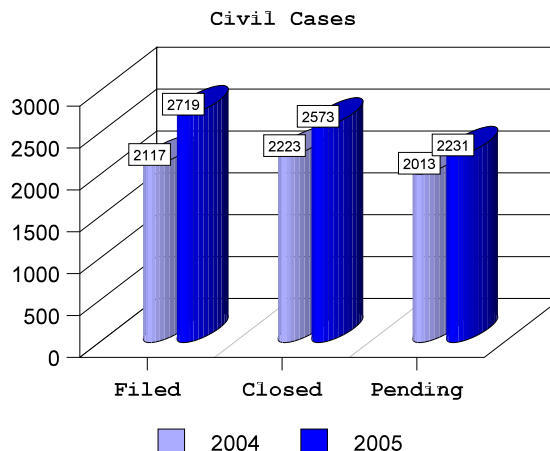
Division/ Case Type	2003	2004	Diff.	% change [2003- 2004]	2005	Diff.	% change [2004- 2005]
Eastern CV Cases	1868	1828	-40	-2.1	2417	589	32.2
Southeastern CV Cases	161	187	26	16.1	220	33	17.6
Northern CV Cases	86	102	16	18.6	82	-20	-19.6
TOTAL CV Cases	2115	2117	2	0.09	2719	602	28.4
Eastern CR Cases	781	704	-77	-9.9	752	48	6.8
Southeastern CR Cases	173	215	42	24.3	185	-30	-14.0
TOTAL CR Cases	954	919	-35	-3.7	937	18	2.0
Eastern CR Defendants	[941]	[959]	[18]	[1.9]	[927]	[-32]	[-3.3]
Southeastern CR Defendants	[182]	[223]	[41]	[22.5]	[191]	[-32]	[-14.3]
TOTAL Defendants	[1123]	[1182]	[59]	[5.3]	[1118]	[-64]	[-5.4]
Miscellaneous Cases	576	605	29	5.0	719	114	18.8
TOTALS	3645	3641	-4	-0.1	4375	734	20.2

CALENDAR YEAR 2005 CASELOAD HIGHLIGHTS

- Civil filings increased substantially from 2004 to 2005 (28.4 percent), primarily because of a surge in product liability cases from September through November that contributed to a 248 percent increase in “other personal injury” cases (755 v. 217). Motor vehicle cases increased by 64.9 percent in 2005 (122 v. 74). Title VII cases dropped by 10 percent (181 v. 201) and other civil rights cases increased by 9.6 percent (250 v. 228). New prisoner petitions decreased by 5.4 percent (477 v. 504). Social security cases increased by 37.4 percent in 2005 (202 v. 147).
- New criminal cases in Cape Girardeau decreased by 17.2 percent from 2004 to 2005, while new criminal cases in St. Louis increased by 11.9 percent. The overall increase in criminal filings was 4.6 percent.
- Civil trial starts decreased by almost 23.3 percent from 2004 to 2005, while criminal trial starts decreased by 13.5 percent, resulting in an overall decrease in trial starts of 19.6 percent.

CIVIL CASES

New civil cases filed in 2005 increased by 28.4 percent (2719 new cases) compared to 2004 (2117 new cases) (the national trend was a 10 percent decrease in civil filings, based on fiscal year 2005 data). Civil case terminations increased by 15.7 percent from 2004 to 2005 (2223 in 2004; 2573 in 2005) (the national trend was a 7.5 percent increase in civil terminations, based on fiscal year 2005 data). The mean disposition time for all civil cases termed during 2005 was 8.6 months (almost two months lower than the mean disposition time of 10.4 months during 2004). The median disposition time for 2005 cases was 6.7 months (also two months lower than the 2004 median of 8.9 months). The faster termination rates were due mostly to transfers of many of the new product liability cases via the multi-district litigation panel.



Noteworthy trends in new civil filings between 2005 and 2004:

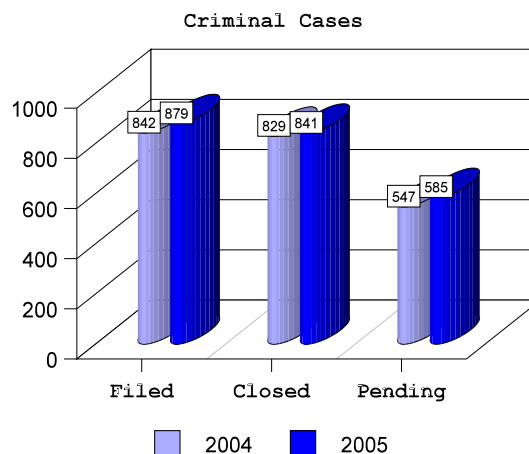
- “Other personal injury” tort actions increased by 248 percent in 2005.
 - Mostly due to surge in product liability cases (September through November).
 - Nationally: 13.3 percent decrease between 10/1/2004 and 9/30/2005².
- “Motor vehicle” tort actions increased by 64.9 percent in 2005.
 - Nationally: 14.1 percent decrease.
- Title VII cases dropped by 10 percent; “other civil rights” cases increased by 9.6 percent.
 - Nationally: Title VII down 14.3 percent; “other civil rights” down 6.5 percent.
- Social security cases increased by 37.4 percent in 2005.
 - Nationally: 2.4 percent decrease.

CRIMINAL CASES

New criminal cases filed in 2005 (excluding probation/supervised release transfers) increased by 4.6 percent (879 cases) compared to 2004 (840 cases) (the national trend was a slight decrease of 1.7 percent, based on data for the twelve-month period from July 1, 2004 through June 30, 2005). There were 706 new criminal cases in the Eastern division and 173 new cases in the Southeastern division. However, new criminal cases in Cape Girardeau decreased 17.2 percent from 2004 to 2005 (209 v. 173), while new criminal cases in St. Louis increased 11.9 percent from 2004 to 2005 (631 v. 706). Criminal case terminations in 2005 (841 cases) increased by 1.4 percent compared to 2004 (829 cases). (Criminal cases chart on next page.)

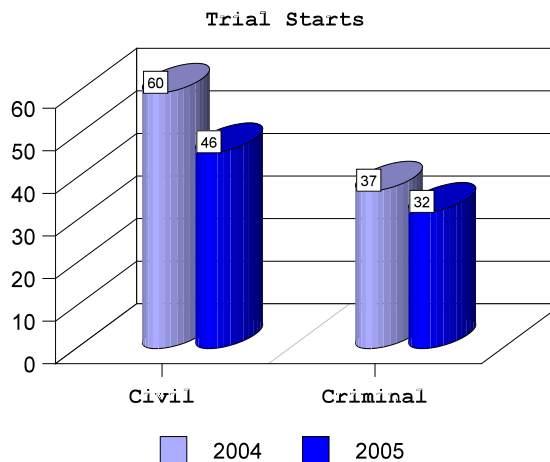
²All of the national trends noted in this paragraph are comparisons between the numbers reported by the Administrative Office of U.S. Courts from October 1, 2004 through September 30, 2005.

New defendants filed in calendar year 2005 (1118 defendants) decreased by 5.4 percent, compared to new defendants filed in 2004 (1182 defendants). Terminations for criminal defendants in 2005 (1154 defendants) increased by 12.1 percent, compared to terminations in 2004 (1029 defendants). The mean disposition time³ for all defendants termed in 2005 was 7.7 months, higher than the 6.5 months in 2004. The median disposition time⁴ for 2005 defendants was 7.0 months, compared to 6.1 months in 2004. The national median disposition time for criminal defendants for the 12-month period ending September 30, 2005⁵ was 7.6 months.



TRIALS

Overall, trial starts decreased 19.6 percent from 2004 to 2005 (97 v. 78). There were 60 civil trial starts during 2004 (53 jury trials; 7 bench trials), compared to 46 civil trial starts during 2005 (34 jury trials; 12 bench trials), a decrease of 23.3 percent. This decrease is inconsistent with the most recent national data, just a 1.3 percent decline in civil trials between October 1, 2004 and September 30, 2005⁶. Criminal trial starts were down by 13.5 percent - 37 during 2004 (35 jury trials; 2 bench trials), 32 during 2005 (28 jury trials; 4 bench trials). Nationally there was a 3.4 percent increase in criminal trials between July 1, 2004 and June 30, 2005⁶.



³The mean disposition time is the 5% trimmed mean, which excludes the highest 2.5% and lowest 2.5% of disposition times from the calculation. This trimming mitigates the effect of extreme values on the calculated mean. The mean, or average, is calculated by summing the disposition times for each case and dividing the sum by the number of cases. This result is the average number of days to disposition, which is then converted to months.

⁴The median disposition time is the time from filing to disposition at the midpoint of all the disposition times ranked from highest to lowest.

⁵The national median time from filing to disposition is based on felony defendants and is the most recently published data. Our district's median is based on all criminal defendants.

⁶The national data on trials are the most recently published by the Administrative Office of U.S. Courts.

SECTION FOUR: CLERK'S OFFICE REPORTS

DEPARTMENTAL AND UNIT REPORTS

OPERATIONS DEPARTMENT

- Operations processed 2,719 new civil cases and 879 new criminal cases.
- Orders processed: 24,044 civil orders; 15,347 criminal orders.
- Electronic filing transactions: Attorneys - 53,414; Court personnel - 204,032.
- Duties of the Operations Support Unit were reorganized for better efficiency.

ADMINISTRATIVE SERVICES DEPARTMENT

The finance unit provides disbursing support to ten agencies:

- The District Court, the Bankruptcy Court, and the Bankruptcy Appellant Panel.
- Four offices in the Eighth Circuit - the Circuit Executive's Office, the Court of Appeals, the Circuit Librarian, and the Staff Attorney.
- The Probation Office, the Pretrial Services Office, and the Federal Public Defender's Office.

Finance unit transactions during calendar year 2005:

- Checks issued: 15,503; Receipts issued: 11,756.
- Bonds posted: 125.
- Admission fees processed for newly admitted attorneys: 313; admission fees processed for attorneys who were granted pro hac vice admission: 1,064.
- Restitution program: \$3,426,028.47 was collected. Restitution payments were made to 3,195 victims in the amount of \$3,058,543.09. The restitution balance (to be paid to victims) as of December 31, 2005 was \$816,470.66.
- Interpreters: Interpreters were used both in court and through the Telephone Interpreting Program (TIP) during 2005.
 - Docketable events for interpreters: 264, at a cost of \$30,741.29.
 - TIP events: Increased from 120 proceedings in 2004 to 143 proceedings in 2005, with an estimated savings in interpreter fees of \$43,082.00.
 - Estimated savings for interpreter travel costs are not calculated because of the variability in airfare and lodging costs.

The procurement unit managed three large projects during 2005:

- Installation of new systems furniture in the Operations area.
- Ordering carpet and furnishings for Chambers and jury deliberation rooms.
- Ordering furnishings for the new courthouse in Cape Girardeau.

Nancy Beem of the finance unit retired in January 2005 after more than 20 years of service as a financial technician.



Nancy Beem at her retirement ceremony.

INFORMATION SYSTEMS DEPARTMENT

- A combined unit that provides information technology support to the District Court, the Probation Office, and the Pretrial Services Office.
- Also provides technical “help desk” support to attorneys and their support staffs, primarily in the realm of electronic case filing.

Several projects were completed during 2005:

- PDF Splitter to automate the size of PDF attachments during scanning process.
- New public terminals and Training Room computers.
- Electronic storage of court reporter notes on a snap server.
- Dual monitors (to help reduce printing) installed at desktops in chambers, the Operations department, and the Pro Se unit.
- Printers were replaced in the case management teams.
- Archiving for Lotus Notes to conserve space on the Lotus Notes server.
- A process for gathering voter registration information to populate the new jury wheel.
- Automated published opinions from the judges.
- Equipment upgraded on the Evidence Presentation Systems carts - installed VHS/DVD units and Vortex teleconferencing equipment.
- Cyclical computer replacement: 8 laptops (with tablets) for the district judges, 14 desktop computers in district judge chambers, 8 desktop computers in magistrate judge chambers, and one desktop computer in the Clerk’s Office.
- In September 2005, 38 desktop computers were purchased for fiscal year 2006 cyclical replacement. The total number of computers supported by Information Systems is 270: 139 in the Clerk’s Office and 131 in Chambers.

External training during 2005:

- Introduction to Adobe Acrobat and Intermediate Applications of Adobe Acrobat.
- Introduction to Crystal Reports Design 9.0.
- Microsoft Speech Server (Installing, Configuring, and Deploying).
- Speech Application Voice User Interface Planning, Design, and Tuning.
- Conferences attended: Techno Security/Computer and Enterprise Investigators Conference in June and Court Technology Conference 9 in September.

MANAGEMENT SUPPORT

- A diverse department that includes the management support unit (human resources, attorney admissions, naturalization support, and courthouse tours coordination), the ADR and community outreach coordinator, the training coordinator, the policy and research analyst, and the telephone analyst.
- Forty-nine courthouse tours conducted in 2005 for students from local grade schools and high schools, senior citizen groups, and Boy and Girl Scout troops.
- In support of the attorneys appointed to criminal cases under the Criminal Justice Act (CJA), 616 CJA vouchers were processed for payments totaling \$2,223,361.93.

JURY UNIT

- Jury selection plan amended to refill the master jury list (the “wheel”) every two years instead of every four years; non-driver identification holders added to driver’s license records as supplementary source for the master list.
- Follow-up procedure implemented for persons who fail to respond to first and second mailings of Juror Qualification Questionnaire: (1) Summons to Appear at the courthouse (at their expense) to complete the questionnaire, with option of returning form by a certain date to avoid having to appear in person: (2) Failure to return third qualification questionnaire and also failure to appear to complete the form could result in escort to courthouse by a Deputy United States Marshal and a fine of not more than \$100 or imprisonment for not more than three days, or both.
- Two changes in jury system operations initiated in December 2005: (1) Term of service for jurors serving in St. Louis reduced from 30 days to two weeks (to limit inconvenience to jurors called to serve, to reduce requests to be excused from jury duty, to increase minority participation, and to change perception of jury service being a burden); (2) Scantron machine installed to expedite processing of juror qualification forms by automatically recording demographic data into the Juror Management database. Use of Scantron machine will enable rapid processing of forms so that more potential jurors are available in response to increased number of jurors summoned because of reduction in term of service.
- Juror Appreciation Week observed from May 2 to May 6, 2005.
 - Fifty-five petit jurors enjoyed a breakfast buffet on May 2 and 21 grand jurors had special treats on May 4.
 - Door prizes: District Court Logo book bag with certificate of appreciation and Juror Appreciation Week proclamation signed by Chief Judge Jackson. Proclamation read by Judge Mummert after remarks by Clerk of Court, Jim Woodward, on the morning of May 2.
 - Juror Appreciation poster contest for children of court staff - prizes to all contestants.

CASE MANAGEMENT/ELECTRONIC CASE FILING (CM/ECF)

- Transition to CM/ECF began in early 2002 and the court “went live” on CM/ECF on October 14, 2003. Several court committees handled key tasks for implementation, and Western District of Missouri served as mentor court to assist with implementation.
- Upgraded to Version 2.5 in October 2005. Added Civil Case Statistics report and modified Queries, Civil Cases report, and Motions report. Enhanced accuracy of MJSTAR (Magistrate Judge Statistics Through Automated Records) (implementation in this court planned for Spring 2006).
- The Administrative Office of U.S. Courts (AO) asked our court to mentor the Eastern District of North Carolina (EDNC). Karen Moore, operations manager, and Melanie Berg, case management team leader, chosen to represent our court.
 - Participated in AO conference calls; traveled to Raleigh, North Carolina, to present topics at on-site visit from the AO; conducted conference call with EDNC in Fall 2005 to discuss all facets of conversion to CM/ECF.
 - On September 12, 2005, Karen and Melanie completed docketing in live database for EDNC as part of docketing stress test. EDNC is now live on CM/ECF.

CHARITABLE CONTRIBUTIONS

- Contributions made from Hospitality Committee’s fund-raising efforts. Two largest contributions: American Red Cross (\$1656 for tsunami relief); Federal Court Clerk’s Association (\$1320 for Hurricane Katrina relief). Court personnel also contributed over \$3000 to national campaign for Hurricane Katrina relief for affected court employees.
- Other contributions during 2005:
 - \$297 - the Susan G. Komen Foundation.
 - \$100 - “100 Neediest Cases”; \$75 - Stray Rescue.
 - \$50 - Alzheimer’s Association, American Diabetes Association, Children’s Miracle Network, First Baptist Church.
 - \$25 - Multiple Sclerosis Society, Camp Happy Day.

HURRICANE KATRINA SUPPORT

Kathy Manchester, permanent law clerk for Magistrate Judge Joseph C. Wilkinson, Jr. in the Eastern District of Louisiana, was hosted by the Eastern District of Missouri after evacuating New Orleans the day before Hurricane Katrina hit the city. She left New Orleans at 4:00 a.m. on Sunday, August 28th, and stayed with her mother in Lake St. Louis, Missouri, for seven weeks.

Kathy was provided with an office and worked closely with the Information Services department to gain access to her court’s computer network to perform what work she could in light of her court’s closure and the suspension of statutory deadlines for 90 days. She returned to New Orleans on October 17th. The Eastern District of Louisiana re-opened on November 1st

after being temporarily relocated to courthouses in Baton Rouge, Lafayette, and Houma, and all court personnel were required to return to work in New Orleans on January 2, 2006.

COURT IMPROVEMENT PROJECTS

Performance Review Process Evaluation: New appraisal plan for clerk's office staff (distributed on December 13 for review and comment) includes simplified performance appraisal instrument and performance improvement plan (for employee rated unsatisfactory in any part of appraisal).

Process Redesign Study: Two key processes identified for major redesign: (1) Online method for jury qualification questionnaires (model from Eastern District of Virginia); (2) Streamlined process for paying attorneys appointed to represent defendants under the Criminal Justice Act.

Pro Se Litigant Services: In June 2005, Information Services Department submitted Electronic Filing for Pro Se Litigants (E-ProSe) grant proposal to Administrative Office of U.S. Courts (Edwin L. Nelson Local Initiatives Program) to enable unrepresented litigants to complete court documents for electronic filing - won award of \$112,945 to develop the program.

Working Smarter/More Efficiently with CM/ECF: Dual monitors and video cards installed for chambers and clerks (to reduce printing) and a tip sheet provided to CM/ECF users.

Teleworking Policy: The purpose of the policy is to provide an opportunity for employees to add flexibility to their work schedules by obtaining approval to work from home on a limited basis.

Court Performance Standards (CPS): Policy and research analyst attended November course on CourTools® system developed by National Center for State Courts. Employee satisfaction survey based on this system conducted with clerk's office staff in November. Full implementation of CPS a major initiative for 2006 based on data-gathering priorities for system's ten core measures.

Enhancing Staff Training: Strategic training plan revised to provide refresher courses on office automation and emergency procedures and a special course on customer service.

Employee Incentive Awards:

- *Bright Light Award*: Promotes unity and teamwork by acknowledging other employees who have gone out of their way to help someone in the office. **Awarded to 15 people in 2005; 77 total since implemented.**
- *Sacred Cow Award*: For proposing that a time-honored practice/procedure/process should be abandoned in favor of a new one that is substantially more productive, efficient, and useful in the Clerk's Office. **One award proposal pending before the court.**
- *TOPS (Teamwork Offers Personal Satisfaction) Award*: Designed to recognize a team or unit that has shown exceptional performance through teamwork. **Four awarded since implementation: Finance unit; Jury unit; Information Services department; ADR Coordinator and Policy and Research Analyst for joint project.**

- *Anniversary Day:* Recognizes every employee's completion of another year of service during the quarterly staff meeting. Employees receive annual gift or "bonus" gift for "milestone" anniversaries of 5, 10, 15, 20, 25, and 30 years of service. Special ceremony on August 31, 2005 to honor Court employees with more than 20 years of federal service:
 - **Twenty Years:** Bill Fauks, Genia Freeman, Teri Hopwood, Lisa Kollasch, Carrie Lippold, Tracey Litz, Chris Poett, Kathleen Schroeder, Phyllis Shapiro, Lynn Stone.
 - **Twenty-five Years:** Denise Bone, Sherry Compton, Mary Hess, Lisa Holwitt, Craig Liddy, Karen Moore, Lynne Shrum, Joyce Webb.
 - **Forty Years:** Carole Peek.

Team Development - Trout Lodge, YMCA of the Ozarks

- "First annual" team building experience enjoyed by clerk's office staff on October 18-19.
- Attendance voluntary; court coverage provided by those who did not attend.
- Trout Lodge staff divided the group into four teams; each team given a series of challenging exercises designed to build trust, promote creative teamwork and problem-solving, all in an atmosphere of having fun and getting to know co-workers in a new environment.



Trout Lodge



For volunteers only!



Team-building while blindfolded.